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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,876	10/24/2003	David M. Vaughan	VAUG 02901 PIUS	1966
7590	08/23/2004		EXAMINER	
Mark D. Perdue Storm & Hemingway LLP 8117 Preston Road, Ste. 460 Dallas, TX 75225			PUROL, DAVID M	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/692,876

Applicant(s)

VAUGHAN, DAVID M.

Examiner

David M Purol

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3634

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5,6,9,12,16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Toadvine. Toadvine discloses a screen assembly comprising a screen member 12, a roll assembly 3,8,9, a non-marring fastener 6, a latch assembly 17,19.

2. Claims 1,2,4-6,9,12,15,16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jacobi et al. Jacobi et al discloses a screen assembly comprising a screen member 11, a roll assembly 8,9,10, a non-marring fastener 4,5,6,12, a latch assembly 13,14,15.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,11,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toadvine in view of Pittard. While Toadvine does not disclose the non-marring fastener as being hook and loop material, Pittard discloses the use of a non-marring fastener in the form of a hook and loop material 46,47, wherein, to incorporate this teaching into the screen assembly of Toadvine for the purpose of substituting a mechanical equivalent for

another so as to obtain the advantages inherent therein such as ease of use would have been obvious to one of ordinary skill in the art.

4. Claims 3,11,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al in view of Pittard. While Jacobi et al do not disclose the non-marring fastener as being hook and loop material, Pittard discloses the use of a non-marring fastener in the form of a hook and loop material 46,47, wherein, to incorporate this teaching into the screen assembly of Jacobi et al for the purpose of substituting a mechanical equivalent for another so as to obtain the advantages inherent therein such as ease of use would have been obvious to one of ordinary skill in the art.

5. Claims 7,8,10,13,14,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toadvine. While Toadvine does not specifically set forth the type of material from which the screen member is constructed, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art.

6. Claims 7,8,10,13,14,17,18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al. While Jacobi et al do not specifically set forth the type of material from which the screen member is constructed, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art.

Art Unit: 3634

7. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Oliver, Lee, Monteath et al, Kelly, Siegal, Brownfield et al, Smollar et al, Ricke, North.

A handwritten signature in black ink, appearing to read "David Puro".

**David Puro**  
**Primary Examiner**  
**Art Unit 3634**

DMP  
(703) 308-2168  
August 13, 2004